

E-filed on October 26, 2006

Marc A. Levinson (California Bar No. 57613)  
 Lynn Trinka Ernce (California Bar No. 179212)  
 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 400 Capitol Mall, Suite 3000  
 Sacramento, CA 95814-4497  
 Telephone: (916) 447-9200  
 Facsimile: (916) 329-4900  
 Email: [malevinson@orrick.com](mailto:malevinson@orrick.com); [lernce@orrick.com](mailto:lernce@orrick.com)

Brett A. Axelrod (Nevada Bar No. 5859)  
 Anne M. Loraditch (Nevada Bar No. 8164)  
 BECKLEY SINGLETON, CHTD.  
 530 Las Vegas Boulevard South  
 Las Vegas, NV 89101  
 Telephone: (702) 385-3373  
 Facsimile: (702) 385-5024  
 Email: [bolson@beckleylaw.com](mailto:bolson@beckleylaw.com); [aloraditch@beckleylaw.com](mailto:aloraditch@beckleylaw.com)

Attorneys for the Official Committee of Equity Security  
 Holders of USA Capital Diversified Trust Deed Fund, LLC

# UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:  
☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

Date: October 19, 2006  
 Time: 9:30 a.m.  
 Place: Courtroom #1

**CERTIFICATE OF SERVICE OF  
 NOTICE OF ENTRY OF ORDER  
 DISALLOWING THE PROOF OF  
 CLAIM BY PROSPECT HIGH  
 INCOME FUND, ET AL., AGAINST  
 ALL DEBTORS**

1 I hereby certify that on the 26<sup>th</sup> day of October 2006, I caused to be served a true and  
2 correct copy of the Notice of Entry of Order Disallowing the Proof of Claim Filed by Prospect  
3 High Income Fund, et al., Against All Debtors via:

4 ☒ (ELECTRONIC SERVICE) Pursuant to Administrative Order 02-1 (Rev. 8-31-04)  
5 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document  
6 was electronically filed on the date hereof and served through the Notice of Electronic Filing  
7 automatically generated by the Court.


8 ☒ (UNITED STATES MAIL) By depositing a copy of the above-referenced  
9 documents in the United States Mail, first class postage prepaid, addressed to all the parties listed  
10 on the attached service list, at their last known mailing addresses, on the date above written.

11 ☐ (OVERNIGHT COURIER) By depositing a copy of the above-referenced  
12 document for overnight delivery via Federal Express, at a collection facility maintained for such  
13 purpose, addressed to the parties on the attached service list, at their last known delivery address.

14 ☐ (VIA FACSIMILE) By Facsimile Service transmission to the Facsimile Numbers  
15 Indicated, to those persons listed on the attached service list, on the date above written.

16 ☐ (VIA EMAIL) By electronic mail transmission to those persons listed on the  
17 attached email.

18 Dated this 26<sup>th</sup> day of October 2006.

19  
20   
21 Patricia Kois, an employee of  
22 Beckley Singleton, Chtd.  
23  
24  
25  
26  
27  
28

**File a Notice:**

06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY

**U.S. Bankruptcy Court**

**District of Nevada**

**Notice of Electronic Filing**

The following transaction was received from LORADITCH, ANNE M. entered on 10/26/2006 at 2:51 PM PDT and filed on 10/26/2006

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 1676

**Docket Text:**

Notice of Entry of Order Filed by ANNE M. LORADITCH on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC (Related document(s)[1674] Order Re: Objection to Claim, ) (LORADITCH, ANNE)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\Documents and Settings\pkoi\Desktop\USA\NOE Disallowing Prospect High POC.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=10/26/2006] [FileNumber=7434131-0]  
] [25e559b516d9f3fbaa54fa7879fdb175634f60ef3e7d2814da3c6b9c94606bff713  
881cbdbe6342c47bdb8570f20e6b380d3e14173cd7284da1fd30ce2efae9d]]

**06-10725-lbr Notice will be electronically mailed to:**

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov

OGONNA M. ATAMOH oatamoh@nevadafirm.com,  
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

KERIANN M ATENCIO ATENCIOK@GTLAW.COM

BMC GROUP, INC. evrato@bmcgroup.com,  
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rmsmith@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsciv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcynotices@gordonsilver.com

WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,  
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

GERALD M GORDON bankruptcynotices@gordonsilver.com

R. VAUGHN GOURLEY vgourley@lvcm.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

JAMES D. GREENE bknotice@schrecklaw.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@

XANNA R. HARDMAN xanna.hardman@gmail.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

JEFFREY L HARTMAN notices@bankruptcyreno.com

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,  
mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jlaxague@canecclark.com

GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME robert@robertlepome.com, susan@robertlepome.com

ANNE M. LORADITCH ecffilings@beckleylaw.com,  
aloraditch@beckleylaw.com;pkois@beckleylaw.com

JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com

REGINA M. MCCONNELL rmccconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyc

DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.co

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,  
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

ANDREW M. PARLEN aparlen@stutman.com

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmccconnell@kssattorneys.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. TIJSSELING ctijsseling@beckleylaw.com, aanthony@beckleylaw.com

AMY N TIRRE atirre@kkbrf.com, ksims@kkbrf.com;lleverett@kkbrf.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

GREGORY J. WALCH GWalch@Nevadafirm.com

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10725-lbr Notice will not be electronically mailed to:**

THOMAS J. ALLISON

,

ALVAREZ & MARSAL, LLC

,

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN, PA 19355-0701

ANGELO GORDON & CO  
C/O JED HART  
245 PARK AVE, 26TH FL  
NEW YORK, NY 10167

EVAN BEAVERS  
1625 HIGHWAY 88, #304  
MINDEN, NV 89423

BECKLEY SINGLETON, CHTD.

,

FLOCERFIDA BENINCASA  
9359 ROPING COWBOY AVE  
LAS VEGAS, NV 89178

JASPER BENINCASA  
9359 ROPING COWBOY AVE.  
LAS VEGAS, NV 89178

JOSHUA D BRYSK  
LAW OFFICES OF JAMES G SCHWARTZ  
7901 STONERIDGE DRIVE, SUITE 401  
PLEASANTON, CA 94588

ELISSA F CADISH  
3930 HOWARD HUGHS PKWY, 4TH FLR  
LAS VEGAS, NV 89169

DONNA CANGELOSI

,

CURTIS F CLARK

,

USA COMM'L MORTGAGE  
AND RELATED DEBTOR ENTITIES  
Thomas J. Allison  
4484 South Pecos Road  
Las Vegas, NV 89121

Office of the U.S. Trustee  
300 Las Vegas Blvd. So.  
Suite 4300  
Las Vegas, NV 89101

Kummer, Kaempfer, Bonner & Renshaw  
For USA Capital Unsecured Creditors  
3800 Howard Hughes Pkwy., 7<sup>th</sup> Fl.  
Las Vegas, NV 89109

Intershow  
For USA Capital Unsecured Creditors  
The Githler Center  
1258 North Palm Ave.  
Sarasota, FL 34236

James Hull  
For USA Securities Unsecured Creditors  
C/o Signature Financial  
2601 Airport Drive, #370  
Torrance, CA 90505

George Gorman  
For USA Securities Unsecured Creditors  
c/o Financial West Group  
4510 E. Thousand Oaks Blvd.  
Thousand Oaks, CA 91362

R. Hagmaier  
For USA Securities Unsecured Creditors  
c/o Financial West Group  
4510 E. Thousand Oaks Blvd.  
Thousand Oaks, CA 91362

Tim Rich  
For USA Securities Unsecured Creditors  
c/o Financial West Group  
4510 E. Thousand Oaks Blvd.  
Thousand Oaks, CA 91362

Frank Merola/Eve H. Karasik  
Stutman, Treister & Glatt PC  
1901 Avenue of the Stars, 12<sup>th</sup> Fl.  
Los Angeles, CA 90067

Wen Baldwin Separate Property Trust  
365 Dooley Drive  
Henderson, NV 89015

Robert E. Taylor  
1535 Flynn Road  
Camarillo, CA 93012

John Warner, Jr., IRA  
c/o First Savings Bank  
2605 East Flamingo Rd.  
Las Vegas, NV 89121

Fertitta Enterprises, Inc.  
2960 W. Sahara Ave., Suite 200  
Las Vegas, NV 89102

U.S. Securities and Exchange  
Commission  
Attn: Sandra W. Lavigna  
5670 Wilshire Blvd., 11<sup>th</sup> Fl.  
Los Angeles, Ca 90036-3648

Pension Benefit Guaranty Corp.  
Office of the Chief Counsel  
1200 K. Street, N.W.  
Washington, D.C. 20005-4026

Dept. of Employ. Training  
Employ. Sec. Div., Cont. Section  
500 East Third Street  
Carson City, NV 89713-0030

DMV & Public Safety Records Section  
555 Wright Way  
Carson City, NV 89711-0250

Employers Insurance Co. of NV  
Attn: Bankruptcy Desk  
9790 Gateway Drive  
Reno, NV 89521-5906

NV Dept. of Taxation  
Bankruptcy Division  
555 E. Washington, #1300  
Las Vegas, NV 89101

Internal Revenue Service  
Attn: Bankruptcy Dept., Stop 5028  
110 City Parkway  
Las Vegas, NV 89106

Secretary of State  
State of Nevada  
202 N. Carson St.  
Carson City, NV 89701

NV Dept. of Taxation  
Revenue Division  
Capitol Complex  
Carson City, NV 89710-0003

Office of Labor Commissioner  
555 E. Washington Ave.  
Suite 4100  
Las Vegas, NV 89101

Daniel G. Bogden/Carlos A. Gonzalez  
Office of the US Attorney  
District of Nevada  
333 Las Vegas Blvd. So., #5000  
Las Vegas, NV 89101

United States Dept. of Justice  
Tax Div. Western Region  
P.O. Box 683-Ben Franklin Station  
Washington, D.C. 20044

District Counsel  
Internal Revenue Service  
110 City Parkway  
Las Vegas, NV 89106

Internal Revenue Service  
Ogden, UT 84201



FHA/HUD  
District Office  
300 S. Las Vegas Blvd. Suite 2900  
Las Vegas, NV 89101-5833

Dept. of Veterans Affairs  
Loan Service and Claims  
3225 North Central  
Phoenix, AZ 85012

Clark County Treasurer  
c/o Bankruptcy Clerk  
P.O. Box 551220  
Las Vegas, NV 89155-1220

Clark County Assessor  
c/o Bankruptcy Clerk  
P.O. Box 551401  
Las Vegas, NV 89155-1401

John Goings  
P.O. Box 174  
Masonville, CO 80541

Robert Hardy  
6510 Ansonia Court  
Las Vegas, NV 89118-1874

**REQUEST FOR SPECIAL NOTICE**

Don Tomlin  
C/o David W. Mounier  
15316 Sky High Road  
Escondido, CA 92025

Maryetta Bowman  
534 Enchanted Lakes Drive  
Henderson, NV 89052

Edward W. Homfeld  
Homfeld II, LLC  
777 S. Federal Hghwy, Suite N-409  
Pompano Beach, FL 33062

John Peter Lee Ltd.  
John Peter Lee, Esq.  
830 Las Vegas Blvd. So.  
Las Vegas, NV 89101

RJ Rocco  
12617 Cottageville Lane  
Keller, TX 76248

Margie Gandolfo  
1724 Arrow Wood Drive  
Reno, NV 89521

Janny Catharina Brouwer  
2533 Kinnard Avenue  
Henderson, NV 89074

Law Offices of James G. Schwartz  
Joshua D. Brysk, Esq.  
7901 Stoneridge Dr., Suite 401  
Pleasanton, CA 94588

Michael R. Shuler  
C/o Jay R. Eaton  
Eaton & O'Leary, PLLC  
P.O. Box 18  
Fairbury, Illinois 61739

Kermit Kruse  
2710 Albany Avenue  
Davis, CA 95616

Martin B. Weiss, Esq.  
The Garrett Group, LLC  
One Betterworld Circle, Suite 300  
Temecula, CA 92590

Attila Jefzenszky  
1720 Colavita Way  
Reno, NV 89521

Gilbert B. Weisman  
Becket and Lee LLP  
P.O. Box 3001  
Malvern, PA 19355-0701

Paul & Donna Jacques  
810 SE 7<sup>th</sup> Street, A103  
Deerfield Beach, FL 33441

Peter Bolino  
17412 Serene Drive  
Morgan Hill, CA 95037

Jerrold T. Martin  
8423 Paso Robles  
Northridge, CA 91325

Bay Communities  
C/o Chris el  
4800 N. Federal Hghwy., Suite A205  
Boca Raton, FL 33431

R.J. Rocco  
12617 Cottageville Lane  
Keller, Texas 76248

Thomas R. Stilley  
Sussman Shank LLP  
1000 SW Broadway, Suite 1400  
Portland, OR 97205-3089

Stephen R. Harris  
Belding, Harris & Petroni, Ltd.  
For Frank Snopko  
417 West Plumb Land  
Reno, NV 89509

BMC Group, Inc.  
1330 East Franklin Ave.  
El Segundo, CA 90245

Jerrold T. Martin  
8423 Paso Robles  
Northridge, CA 91325

Wade B. Gochnour/Aryn M. Fitzwater  
Haney, Woloson & Mullins  
For Liberty Bank  
1117 S. Rancho Drive  
Las Vegas, NV 89102

Jonathan L. Mills  
Sugar, Friedberg & Felsenthal LLP  
For Norman Kiven  
30 N. LaSalle St., Suite 3000  
Chicago, IL 60602

Goldsmith & Guymon, P.C.  
Attn: Marjorie A. Guymon  
2055 N. Village Center Circle  
Las Vegas, NV 89134

Joseph Huggins  
Huggins & Associates  
1000 N. Green Valley Pkwy., Suite 440-2  
Henderson, NV 89014

Russell S. Walker/ Reid W. Lamber  
Elizabeth R. Loveridge  
Woodbury & Kesler PC  
265 E. 100 South, Suite 300  
Salt Lake City, UG 84111

Mojave Canyon Inc.  
Attn: J.B. Partain, President  
1400 Colorado St., #C  
Boulder City, NV 89005

Fertitta Enterprises, Inc.  
Attn: William J. Bullard, CFO  
2960 W. Sahara Ave., Suite 200  
Las Vegas, NV 89102

David W. Sexton  
Pamela K. Sexton  
21929 N. 79<sup>th</sup> Place  
Scottsdale, AZ 85255

Dr. David R. Enrico  
Dr. Bonny K. Enrico  
2072 Almyra Road  
Sparta, TN 38583-5168

Bruce H. Corum, Trustee of the Credit  
Shelter Trust  
Juanita N. Carter  
4442 Valmonte Drive  
Sacramento, CA 95864

Charles B. Anderson Trust  
Rita P. Anderson Trust  
Baltes Company  
211 Copper Ridge Court  
Boulder City, NV 89005

Mr. Allen J. Mault  
2422 Aquasanta  
Tuston, CA 92782

Andrew Dauscher  
Ellen Dauscher  
P.O. Box 10031  
Zephyr Cove, NV 89448

Robert A. Cowman  
Sandra L. Cowman  
1525 Winterwood Avenue  
Sparks, NV 89434

Sierra Health Services  
Attn: Frank Collins  
2724 N. Tenaya Way  
P.O. Box 15645  
Las Vegas, NV 89114-5645

A. William Ceglia  
Ranee L. Ceglia  
3720 Pocohena Court  
Washoe Valley, NV 89

Kehl Family  
C/o Mr. Ken Bonnet  
3184 Highway 22  
P.O. Box 720  
Riverside, IA 52327

Steven R. Orr  
Richards, Watson & Gershon  
355 S. Grand Avenue, 40<sup>th</sup> Fl.  
Los Angeles, CA 90071-3101